

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

BRAD SPODEN and *
JEANNE SPODEN, as Parents of *
COLE MICHAEL SPODEN, *

Petitioners, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

No. 12-68V
Special Master Christian J. Moran

Filed: February 11, 2013

Attorneys' fees and costs; award in
the amount to which respondent has
not objected.

Thomas J. Cahill, Cahill Law Offices, Nevada, IA, for Petitioners;
Melonie J. McCall, U.S. Department of Justice, Washington, D.C., for Respondent.

UNPUBLISHED DECISION ON FEES AND COSTS¹

Petitioners Brad and Jeanne Spoden alleged in their petition that the measles, mumps, and rubella ["MMR"] vaccine, which is contained in the Vaccine Injury Table, 42 C.F.R. § 100.3(a), and which Cole received on April 10, 2009, caused Cole to suffer acute disseminated encephalomyelitis ["ADEM"], the effects of which lasted for more than six months. Petition, filed Feb. 1, 2012. Petitioners received compensation based upon the parties' stipulation. Decision, issued Aug. 16, 2012. Because petitioners received compensation, they are entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioners filed an application for attorneys' fees and costs on January 9, 2013. Thereafter the parties entered into negotiations regarding the amount of attorneys' fees and costs. The Court awards the amount to which the Secretary has not objected.

After discussions, petitioners now seek \$7,900.00 in attorneys' fees and costs.² This amount is reasonable.

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

After reviewing the request, the court awards a check made payable to petitioners and petitioners' attorney in the amount of **\$7,900.00** for attorneys' fees and other litigation costs. The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.³

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² In their Stipulation of Facts Regarding Attorneys' Fees and Costs, filed by respondent's counsel on February 7, 2013, the parties asserted that petitioners would be filing a statement in compliance with General Order No. 9 indicating that they incurred \$350.00 in personal litigation costs. On February 7, 2013, petitioners' counsel filed a statement indicating that the Cahill Law Office incurred the \$350.00 filing fee. On February 8, 2013, my law clerk spoke to counsel for both parties and confirmed that petitioners' counsel did in fact incur the \$350.00 filing fee on behalf of petitioners.

³ Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.